

THE
THOUGHTS
OF A 8139. ann. 30
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MEMBER
OF THE
LOWER HOUSE,

In Relation to
A PROJECT for Restraining
and Limiting the Power of
the Crown in the future Creation
of PEERS.

Si violandum est Jus, regnandi Causa violandum.
Better to reign in Hell, than serve in Heaven.
The Devil's Speech in Milton's Paradise Lost.

THE SECOND EDITION.

L O N D O N,
Printed for J. ROBERTS, near the Ox-
ford-Arms in Warwick-Lane. 1719.
(Price Three Pence.)

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A PROJECT for Restraining
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the Crown in the House of
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St. Edmund's Hall, Oxford.
Bought to remain in the library of the
The Dean's Library in Milton's Paradise Lost.

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*The Thoughts of a Member
of the Lower House, &c.*

A S I have not the Honour to be a Member of the Upper House of Parliament, so I do not presume to know what is doing there; but claim the Privilege of a free-born *Englishman*, to speak or write my Mind impartially and openly, upon any Proposition in which I conceive my own or my Country's Liberties are concerned, & whilst there is no Law to forbid me; and much more so, when what I have to say is in vindication of the Laws and Constitution in being.

The common Subject of popular Discourse, is concerning a Project said to be in agitation, which is to give the King Power to create Twenty Five *Scotch* Peers to sit in their own Right in Parliament, in lieu of the Sixteen who
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are to be elected by the Peerage there; and after the Creation of Six more for *Great Britain*, the Prerogative of making any further Creations is to be taken from the Crown, unless upon the Extinction of the Families in Possession of the Peerage.

Now I am free to own that I think such a Law would be fatal to the Monarchy, and the Liberties of the People, and make our Government Aristocratical, without the outward Appearances of it, or the Regulations which are peculiar and essential to that sort of Dominion; and consequently it will reduce us to the worst Sort of Oligarchy.

Our present Constitution consists of the King, the Peers who act in their own Right, and the Representatives of the People. In the Union and Agreement of these constituent Parts consists our Government: If they differ irreconcilably, there is an actual Dissolution of it without any Remedy but the last. And since it's impossible, in the nature of human Affairs, but Mens Opinions and Interests will often vary and clash; therefore the Institutors of this Species of Monarchy have contrived to proper a Ballance of Power between the
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several Parts of it, that each State can give some check to both the other; and two concurring, have always the Means in their power to bring the third to Reason without recurring to Force, which dissolves the Government.

If the King had the Prerogative of raising Money, and could protect the Instruments of unlawful Power, it's evident the Monarchy would be absolute; but that Privilege remaining in the People, the Crown must often recur to their Assistance, and then they always have it in their power to do themselves right: which keeps the Ministry in perpetual Dependence and Apprehension.

On the other side, if the House of Commons was fixed and indissoluble, the Government would soon devolve into an ill-contrived Democracy, and the Crown would have no Remedy but Acquiescence or Force. Such a Body of Men would soon find and feel their own Strength, and always think it laudable to encrease it: and there are so many Emergencies happen in all States, that there can never be wanting favourable Opportunities to do it; when the Ambition of some, the Resentment of others, and the Appearance of Publick Good, spur them

them on; till at last by insensible and unobserved Degrees, even to themselves, they would engross and possess the whole Power of the State. There has been but one Instance since the Institution of this Monarchy, when the Commons have been trusted with such a Power; and if a noble Historian is to be believed, that House consisted of Men as incorrupt, of as much Wisdom and publick Virtue, as ever sat within those Walls: yet the Lust of Dominion soon got the better of all their Virtues, and they first garbled their own House, by expelling their refractory Members; then deposed the King, and at last the House of Lords; and assumed a greater Tyranny to themselves, than they opposed in the Crown.

The effectual Remedy our Constitution has provided against this Evil, is a Dissolution, which breaks all Cabals and Conspiracies, and gives the People (who can never have an Interest in publick Disturbances) an Opportunity to chuse others in their room, more calm, of less violent Dispositions, and not engaged in such Attempts; which Power always hanging over their Heads, must be a constant Restraint upon their Actions.

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But the Circumstances of Publick Affairs often not admitting of this Remedy without the extremest Necessity, the Lords are always at hand to skreen the Crown, whose Honours and Dignities flow from it, and are protected by it; and whilst kept in a proper Dependance, must ever support that Power which supports themselves: yet never can have an Interest to make it arbitrary, which would render themselves useless to it, and level them again with the People.

There is not a more certain Maxim in Politicks, than that a Monarchy must subsist by an Army or Nobility; the first makes it despotick, and the latter a free Government. I presume none of those noble Personages themselves, who have the Honour to make up that Illustrious Body, do believe they are so distinguished and advanced above their Fellow-Subjects for their own sakes: They know well they are intended the Guardians as well as Ornaments of the Monarchy, an essential Prerogative of which it must be to add to, and augment their Number in such proportion, as to render them a proper Ballance against the Democratical part of our Constitution,

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stitution, without being formidable to the Monarchy it self, the Support of which is the Reason of their Institution.

Without this Power in the Crown they must be dangerous to it, and be able to impose what Conditions of Government they please. It is the only Resource the King and People have against any Exorbitances and Combinations of their Body. Whilst such a Prerogative remains in the Crown, there can seldom or never be an occasion to make use of it. Their Lordships are too much concerned in the Preservation of their own Dignities, to provoke the Crown to a Remedy that is always at hand; and the Crown cannot debase the Nobility, and make it cheap, without lessening its own Splendour and Power. And this seems to be the only Limitation the Nature of the thing will admit of, without dissolving this Species of Government.

If this Prerogative is taken away, the House of Lords will be a fixed independent Body, not to be called to an account like a Ministry, nor to be dissolved or changed like a House of Commons :

mons: The same Men will meet again with the same Resolutions, and probably heighten'd by Disappointment, and nothing can stand before them. If their Lordships should take it into their Thoughts to dislike the Ministry, and commit them to Prison, I would willingly know who shall fetch them out. Or, if the House of Commons should be so unwary as to give them Offence, and their Lordships think fit to declare they could act no longer in concert with a Body of Men who had used them ill, it's evident the Crown must exert its Authority to chuse another more to their Lordships Fancy, and afterwards use its utmost Efforts to keep them in a becoming Complaisance to their Betters. If they should resolve to have all the great Employments of *England* in themselves and Families; or should take a Conceit to be like the Nobles of some other Countries, to pay no Taxes themselves, and yet receive the greatest part of what is paid by others in Salaries and Pensions; I would ask the Advocates for such a Law, what Resource the Crown and People have? and I shrewdly suspect they will propose no other than what the Commons of *Denmark* made use of upon the very same Occasion.

The Lords have already all the Property of *Great Britain* under their Jurisdiction; and I think no one will say that there is any Difference in Nature between the last Appeal without being accountable, and a Power of Legislation, but what consists in the Moderation of the Judges: And if this exceeding great Power must irrevocably be vested in the very same Persons, I see nothing the Commons have left to desire, but to entitle themselves to their Favour and Protection, by wearing their Badges as formerly.

But as their Lordships are too wise and virtuous to attempt any such Actions of Knight-Errantry as are above mentioned, so they will be under no necessity to do it; for there is an easier and gentler way of attaining the same Ends. There are so many Emergencies, Difficulties, and Factions arise in all States, the Crown will be often so necessitous, and the Commons divided, that a fixed and powerful Body, always determined to their own Advantage, by a dextrous Management of such Events, must soon possess themselves of all they desire; and 'twill be in vain to oppose with one
View

View what will be often given them with another.

I will not presume to judge whether their Lordships Judicature was always what it now is; but every Day's Experience shews in lesser Instances what a Body of Men, united in the same Interest, are capable of doing. We have oftener than once seen a number of Merchants incorporated prove a Match for the whole Kingdom, and I fear shall too often see it again. History tells us how the Priesthood by being an united and regular Body, always lying upon the Catch, and acting with the same Views, from living upon the Charity and Benevolence of their Hearers, in a few Ages became the Lords and Masters of Mankind, and in defiance of that Religion they profess'd to teach.

It is true, this Prerogative of the Crown is liable to be abused, and has been so in a late glaring Instance; but if that is a sufficient Reason to take it away, I doubt there will be few remain. The King neither has or can have any Prerogative but what the People are interested in: It is a Trust for the Publick Good, which in the Nature of it is capable

pable of being betray'd; but the proper Remedy is to punish the Authors and Advisers of the Abuse, and not destroy the whole Constitution for an enormity of one Part of it.

It is a proper Object of the Legislative Power, to consider whether any Men ought to enjoy the highest Privileges and Honours in a Commonwealth, as a Reward for their endeavouring to destroy it; but with all the Clamour this Grievance has justly produced, has there been any thing like this attempted? No, on the contrary, the grand Criminal sits triumphant, glories in his Wickedness, and carries off the Price of it; and his Rival in Guilt and Power, even now presumes to expect an Act of the Legislature to indemnify him, and sanctify his Villany: and I doubt not but both expect once more to give Laws to the Kingdom.

It is urged that it is safer to trust this Power with the Lords than an unlimited one with the Crown, to make what Creations it pleases, though to serve the vilest Purposes. But the Nature of Power is very little understood by those who own this Opinion, which can never be

be truly dreadful, but when it is unaccountable and irretrievable. The Crown must often apply to the People for their Assistance, and the People as often have the Opportunity to represent their Grievances, and punish the Authors of them, which must necessarily keep the Ministry within some Bounds ; but there can be no Limitation to the House of Peers, if such an Act passes, but what flows from their Lordships Justice, Moderation, and Satiety of Power.

Even that daring Minister durst not have ventured upon such an Act of it, if he had not had a House of Commons to support him, and hoped to cover all his Crimes in a Revolution. I am persuaded he never once dreamed under a just Government to find the Impunity and Indulgence he has since been favour'd with, and even from the very Persons who make those Crimes the Pretence for such an Attempt: but if nothing else was intended by it, unless to prevent the like Grievance, there is an easy and ready way to do it, by providing that no Peer shall give his Vote within a limited time after his Creation, without the Consent of the House. To obtain this, there would be no need of Court-Intrigues,

trigues, Sollicitations, or keeping the Secret till the latter End of the Sessions, when the Country Members are at their Seats, and the Lawyers in their Circuits.

Having, as I conceive, amply shewn that a Law of this kind would totally overturn our Constitution, and change it into an Oligarchy ; I should think it frivolous to descend to lower Considerations, did we not too often see Men affected with Arguments which regard themselves and Families, whilst they are insensible of what they suffer in common with the whole Nation : and therefore I shall offer some of the lesser Objections to it.

It is a most violent and outrageous Breach of the Union, and dispossesses one of the States of *Scotland* of the most valuable Part of their Peerage, and of that Right which they expressly stipulated to be reserved to them when they consented to part with the rest : by which means they will be in a worse Condition than the meanest Subjects in the Kingdom ; they will neither be capable of sitting in the House of Lords or Commons, or giving their Votes for either ; and in consequence will be the only Subjects

jects in *Great Britain*, not represented, or capable of being represented in Parliament: and this Disability and severe Punishment is inflicted upon them without any Crime done, or pretended to be done by them, and even without any Pretence of publick Necessity, but on the contrary there is a visible Danger in doing it; and I doubt not but in proper time it will be made a pregnant Argument for keeping up standing Troops to oblige their Submission to it.

It is giving a Power, without Reproach or Clamour, to add such a number to the Upper House, as must, without uncommon Virtue in their Lordships, lay all things waste, and at the mercy of the Ministry, without the possibility of their being called to an account; for if the making but twelve Peers at once, to serve a Court-Purpose, was such a Blow upon our Liberties, what are we not to fear from the creating one and thirty; and to do it by the Countenance, if not Direction of an Act of Parliament, which takes off all that Odium, and Load of Scandal, which the former Abuse justly occasioned?

If it may be lawful to suppose so unlikely

likely a thing, as that the Ministry are capable of acting against the Publick Good ; or if, for our Sins, the Nation was punished with the loss of the present Set, and Tories could work themselves into their Places, and form a Scheme for their own Security which may entail a Civil War upon the Nation ; what may not be apprehended from such a Power trusted with them?

It takes away from the King the brightest Jewel of his Crown, which is the Distribution of Honours, and in effect of Offices too, which must then be at the mercy of that House. It deprives the Commons of *England* of the Means of attaining those Honours which ought to be the Rewards of virtuous Actions, and the Motives of doing them. I presume no one will suggest that all Merit is exhausted by their present Lordships ; and therefore what imaginary Reason can be given, why any number of Men, who enjoy themselves the highest Dignities and Privileges in a Commonwealth, should shut the Door upon all others who may have equal Birth, Desert, and Fortunes?

As it makes the King and Ministry entirely at the mercy of the Lords, so
it

it makes the Commons more dependent on the Crown; for when the Advantages of the Nobility are so great, and the means of attaining them so difficult, what Applications and Sollicitations must be made to the Ministry upon the least Appearance of a Vacancy? which must keep the most considerable Members of the Lower House in a perpetual Dependence, and give the Ministry much more Trouble than they affect to avoid.

But amidst all the numerous Objections to this worthy Scheme, I am free to own there is one thing in it which deserves Commendation; for it has produced a never-before-known Unanimity amongst our Great Men: It has yoked the Lion with the Lamb, the Whigs with the Tories, Men in Power with those they have turned out of it: Ministers of State are become Patriots, complain of their own Power, and join with their profess'd Enemies in lessening that Prerogative they have so often occasion for.

I confess, such Phenomena's and uncommon Appearances, like Comets or Eclipses, are apt to fright ignorant People, and make them expect some great
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